

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO. 1:18-CV-00133-WO-LPA

DOROTHEA ROBINSON,

Plaintiff,

vs.

THE PROCTER & GAMBLE  
MANUFACTURING COMPANY  
("P&G"), SCOTT SPILLMANN, MD,  
and CANDY WRIGHT,

Defendants.

**DEFENDANT P&G'S MOTION TO  
DISMISS PLAINTIFF'S AMENDED  
COMPLAINT**

**NOW COMES** Defendant The Procter & Gamble Manufacturing Company (hereinafter "P&G") by and through undersigned counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as well as LR 7.2 and 7.3, hereby moves this Court for an Order dismissing Plaintiff's retaliation, discrimination, civil conspiracy and defamation claims against P&G for failure to state a claim upon which relief can be granted.

In support of this motion, and for the reasons more fully explained in the *Memorandum of Law in Support of Defendant P&G's Motion to Dismiss Plaintiff's Amended Complaint*, which is being filed simultaneously herewith, Defendant contends that the aforementioned claims should be dismissed because:

- Plaintiff's Title VII and Section 1981 retaliation claims against P&G should be dismissed because there is no causal nexus between any alleged protected activity and the termination of Plaintiff.
- Plaintiff's Title VII and Section 1981 retaliation claims against P&G should be dismissed because Plaintiff admits that P&G had to terminate her employment after

Dr. Spillmann refused to let Plaintiff practice under his medical license, negating Plaintiff's ability to show that her alleged protected activity was a "but-for" cause of her termination.

- Plaintiff's discrimination claim against P&G should be dismissed because Plaintiff fails to allege a *prima facie* case of discrimination under Title VII, Section 1981, and NCEEPA.
- Plaintiff's discrimination claim against P&G should be dismissed because Plaintiff cannot show that she suffered an adverse employment action.
- Plaintiff's discrimination claim against P&G should be dismissed because Plaintiff cannot show that she was performing at a level that met P&G's legitimate job expectations.
- Plaintiff's defamation claim against P&G should be dismissed because Plaintiff has failed to allege that P&G made any defamatory statements to a third party regarding Plaintiff.
- Plaintiff's defamation claim against P&G should be dismissed because Plaintiff has failed to allege that she was harmed by any alleged statements that P&G made to a third party.
- Plaintiff's civil conspiracy claim against P&G should be dismissed because the intracorporate conspiracy doctrine bars liability where all of the alleged conspirators are agents of a single corporation.
- Plaintiff's civil conspiracy claim against P&G should be dismissed because Plaintiff fails to allege the participation of two or more actors in the alleged conspiracy.

In accordance with LR 7.2 and 7.3 of the Rules of the Practice and Procedure of the United States District Court for the Middle District of North Carolina, Defendant P&G has filed an accompanying Memorandum of Law which explains the grounds, authority, and arguments supporting this Motion in more detail.

**WHEREFORE**, for the reasons set forth above, among others, Defendant respectfully requests that P&G's Partial Motion to Dismiss be GRANTED and Plaintiff's

retaliation, civil conspiracy and defamation claims against Defendant P&G be DISMISSED  
*with prejudice.*

Respectfully submitted this the 25<sup>th</sup> day of May, 2018.

JACKSON LEWIS P.C.

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)  
Defendants. )

**CERTIFICATE OF  
SERVICE**

The undersigned certifies that on May 25, 2018, the foregoing *Defendant P&G's Motion to Dismiss Plaintiff's Amended Complaint* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system which will serve a copy on all counsel of record as follows:

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